



**JIM DOYLE**  
**GOVERNOR**  
**STATE OF WISCONSIN**

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January 6, 2006

TO THE HONORABLE MEMBERS OF THE SENATE:

I am vetoing Senate Bill 70. This bill would change the state standard for admissibility of lay and expert witness testimony in our courts and administrative hearings. Under current law, juries weigh the reliability and credibility of witness testimony while challenges are made through cross-examination. This bill would require judges to act as “gatekeepers” of information and the arbiters of what is allowable expert testimony based on what they perceive to be sound scientific method.

I am vetoing this bill for many of the same reasons that I vetoed the similar, Senate Bill 49, from last session. As I previously stated, I am aware of no evidence that Wisconsin’s existing rules governing the admissibility of lay and expert witness testimony have produced unfair results and require revision. Wisconsin judges are already empowered under current law to reject evidence because it is superfluous, prejudicial or inherently improbable.

Moreover, SB 70 would hinder the efforts of state prosecutors in criminal prosecutions. Under this bill, state prosecutors would face an additional obstacle in introducing key expert testimony that relies on disciplines such as psychiatry, DNA testing, fingerprinting or forensics.

In short, this bill is a solution in search of a problem, and it would only make the job of prosecutors in Wisconsin harder. Judges and juries can already reject evidence if it is superfluous or improbable, so there is simply no reason to add additional procedural hurdles to the system. I trust juries in this state to properly weigh the credibility and reliability of evidence when making their decisions, and I must therefore veto this bill.

Respectfully submitted,

JIM DOYLE  
Governor